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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,587	10/09/2001	Kelan C. Silvester	INTL-0678-US (P12996)	7106
7590	05/12/2004		EXAMINER	
Timothy N. Trop TROP,PRUNER & HU P.C. STE 100 8554 KATY FWY HOUSTON, TX 77024-1805			SOBUTKA, PHILIP	
		ART UNIT	PAPER NUMBER	
		2684		
		DATE MAILED: 05/12/2004		
		8		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/974,587	SILVESTER, KELAN C.
	Examiner	Art Unit
	Philip J. Sobotka	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 October 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
 | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-7,12-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Khamis (US 5,930,729) in view of Logsdon (US 5,890,054).

Consider claim 1. Khamis teaches providing cellular repeaters in a plurality of vehicles (Khamis see especially fig 1). Khamis lacks a teaching of enabling the repeaters to receive and forward transmissions between other mobile users and cellular towers. Logsdon teaches a method of a mobile repeater routing transmissions from other mobile users and cellular base stations (Logsdon see especially fig 1, col 2, line 15 - col 3, line 45). Logsdon teaches that this allows emergency communications to be made even if the user is out of range of the cellular base station (Logsdon col 2, lines 15-25). It would have been obvious to one of ordinary skill in the art to modify Khamis to forward transmissions as taught by Logsdon in order to allow emergency communications even if a particular user is out of range of a base station.

As to claims 2,13, note that Khamis's cellular repeater is a vehicle radio.

As to claims 5,6 and 16, note that Khamis in view of Logsdon bi-directionally transmits with cell towers and other mobile repeaters (Logsdon see col 2, lines 40-45).

As to claims 3 and 14, note that Khamis in view of Logsdon makes no provision for the user to intercept the transmissions.

As to claims 4,12,15, note that Khamis's vehicle repeater is coupled to the vehicle electrical system to obtain power (Khamis col 10, lines 57-60).

As to claim 7, note that Khamis teaches a vehicle repeater with an amplifier (Khamis see especially fig 4B, items 148,158,179,182).

2. Claims 8-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Khamis in view of Logsdon and in view of Noguchi et al (US 4,764,979).

Consider claims 8,11. Khamis in view of Logsdon teaches everything claimed as shown above except for the structure of the repeater. Noguchi teaches a repeater with a pair of antennas (Noguchi fig 2, items 11,12), circulators (Noguchi fig 2, items 13,14) amplifiers (Noguchi fig 2, items 17,27) and isolators (Noguchi figs 3A-C, items 41,42,44). It would have been obvious to one of ordinary skill in the art to modify Khamis in view of Logsdon to use the circuit arrangement as taught by Noguchi in order to utilize an arrangement that effectively separated the repeated signals.

As to claim 9, Khamis in view of Logsdon in view of Noguchi teach everything claimed including circulators to separate the transmit and receive signals. Noguchi lacks a teaching of using Duplexers to separate the signals. Official Notice is taken that it is notoriously well known in the art to use duplexers to separate transmit and receive signals. It would have been obvious to one of ordinary skill in the art to replace the circulators with duplexers in order to use an effective filter arrangement for separating the signals.

Drawings

3. ***The drawings are objected to because each box in figure 2 should be labeled with a simple English language description to permit an easy analysis of the figure. Correction is required.***

Response to Arguments

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.
6. Since a new rejection is being made based on newly cited art, this action is not being made final.

Conclusion

7. ***Note that the drawing objection in the last action was not addressed in the response.***

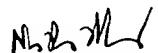
8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka
Pjs
May 7, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER



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EXAMINER

ART UNIT PAPER

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Commissioner for Patents